

April 14, 1999

MEMORANDUM

SUBJECT: Final FY 2000/2001 Office of Enforcement and Compliance Assurance Memorandum of Agreement Guidance

FROM: Steven A. Herman /s/
Assistant Administrator

TO: Regional Administrators
State Environmental Commissioners

This memorandum provides you with the final FY 2000/2001 Office of Enforcement and Compliance Assurance (OECA) Memorandum of Agreement (MOA) Guidance, which sets forth program direction and priorities for the national enforcement and compliance program for the next two years. This guidance was developed in consultation with other national program managers, regions, states, tribes, and state/local associations. We are sending the guidance directly to state commissioners and state associations, and regional offices should forward the guidance to their state offices and other stakeholders within their region. The document reflects our establishment of risk-based priorities to address serious compliance problems and support accomplishment of our national environmental priorities. It provides a framework for leveraging the work of state and federal personnel to accomplish these mutual goals. I strongly encourage regions and states to use this document as the basis for joint work planning.

Thank you for your continued support in developing this guidance. I particularly appreciate the amount of time and effort which you and your staff have taken both to help us identify the priorities and in subsequent review and comment on the guidance. OECA is committed to continue improving the involvement of all parties in developing priorities. We took several steps this year that included additional state involvement in initial thinking and advance review of the guidance prior to distributing it for comment. We welcome suggestions for further involvement. This final document does reflect adjustments based on these comments. You will also note that formatting changes have been made which we hope will make the document easier to read and understand. A condensed response to comments document will be sent out under separate cover in the near future.

As you are aware, the draft guidance contained significant changes from last year to improve the guidance, by reducing the number of national priorities, linking strategic and annual planning, and better measuring results. The final attached guidance also reflects these changes. There are two

changes, in particular, that I want to bring to your attention in the final guidance. First, the proposed measures list has been removed from the guidance and will be provided by the end of May as a separate addendum. This addendum will contain a complete, consolidated set of measures aligned under the EPA Strategic Plan, which have been fully coordinated with existing RECAP and NPMS measures. Second, selection of specific program areas and development of management reports for the revamped regional evaluation program are still ongoing. A separate memorandum will be issued on the specific areas for review and initiation of a Headquarters-regional workgroup.

Regional MOAs are due to Headquarters by September 1, 1999. The submission date for Regional MOAs has been revised from August 2, 1999, the date identified in the draft MOA guidance, to September 1, 1999, to match the Agency's schedule. This should also accommodate extensions requested by some regions to allow them sufficient time to complete negotiations with states regarding state priorities, activities and commitments.

When submitting your MOA, please provide a hard copy to John Neylan, Chief, Planning Branch, Enforcement Planning, Targeting and Data Division, Office of Compliance, mail code 2222A. Please also submit an electronic version in addition to the hard copy [Neylan.John@epamail.epa.gov]. If you have any questions regarding the MOA guidance itself or in developing your regional MOA, please contact John Neylan at 202/564-5033.

Attachments

cc: Assistant Administrators
Deputy Regional Administrators
Chairman, Tribal Operations Committee
OECA Office Directors
Regional Enforcement Division Directors
Regional Counsels
Regional Enforcement Coordinators
State Associations
U.S. Department of Justice
Regional MOA Coordinators